

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

EMERSON CREEK POTTERY INC. )

Plaintiff, )

v. )

COUNTRYVIEW POTTERY CO., )  
EMERSON CREEK EVENTS, INC., )  
CHRISTINA DEMIDUK, and )  
DAVID DEMIDUK )

Defendants. )

Case No.: 6:20-CV-0054-NKM

**DEFENDANTS' WITNESS AND EXHIBIT LISTS**

Pursuant to Federal Rule of Civil Procedure 26(a)(3), Defendants, through counsel, submit the following witness list for trial. Defendants may also call, and reserves the right to call, any witness identified on Plaintiff's witness list, as well as any additional witnesses for purposes of impeachment or rebuttal. Defendants also reserve the right to offer testimony by deposition rather than live for any witness who is unavailable to appear live at trial.

**WITNESSES**

1. Christina Demiduk
2. David Demiduk
3. James Leavitt
4. Jonathan Domanus
5. Lindsay Winkler
6. Ronald Wehrli

**WITNESS BY DEPOSITION DESIGNATIONS**

## 1. Deposition transcript of Christina Demiduk September 27, 2021

<b>From page: line To page: line</b>	<b>From page: line To page: line</b>
42:3 – 42: 24	50:1 – 54:24
114:2 – 114:23	125:4 – 125:22
195:2 – 195:18	268:4 – 268:21
240:13 – 240:22	207:2 – 208:24
57:4 – 58:9	

## 2. Deposition transcript of James Leavitt October 8, 2021

<b>From page: line To page: line</b>	<b>From page: line To page: line</b>
8:1 – 8:15	16:4 – 16:13
20:13 – 34:15	50:17 – 52:21
89:1 – 89:9	

In addition, Defendants submit the following exhibit list for trial. Defendants reserve the right to further amend this exhibit list after the Court's ruling on summary judgment or based upon the completion of any extended discovery. Defendants reserve the right to incorporate any exhibits identified, offered or admitted into evidence by Plaintiff, use documents and offer exhibits for impeachment and rebuttal purposes, and use demonstrative aids. Defendants reserve the right to further amend, modify, or supplement this exhibit list with documents that are relevant to any issue later disclosed by the parties.

<b>Ex. No.</b>	<b>Description of Exhibit</b>	<b>Bates No.</b>
1.	Emerson's Vintage Market	ECP 00649 – ECP 00651
2.	Agreement Between Ron Wehrli and Emerson Creek Pottery	ECP 00782
3.	Email July 23, 2005	ECP 00784
4.	Email August 10, 2005	ECP 00786
5.	Email August 10, 2005	ECP 00789
6.	Email September 26, 2005	ECP 00790

7.	Email October 6, 2005	ECP 00791
8.	Email November 1, 2005	ECP 00792
9.	Email December 14, 2005	ECP 00793
10.	Email December 19, 2005	ECP 00794
11.	Email December 20, 2005	ECP 00796
12.	Email January 5, 2006	ECP 00798
13.	Email January 5, 2006	ECP 00801
14.	Email January 16, 2006	ECP 00802
15.	Email February 23, 2006	ECP 00804
16.	Email March 5, 2006	ECP 00805
17.	Email November 21, 2006	ECP 00827
18.	Email November 26, 2006	ECP 00828
19.	Email November 30, 2006	ECP 00833
20.	Email December 31, 2006	ECP 00835
21.	Email January 9, 2007	ECP 00836
22.	Email March 16, 2007	ECP 00844
23.	Email May 22, 2007	ECP 00846
24.	Email August 2, 2007	ECP 00853
25.	Email November 25, 2007	ECP 00862
26.	Email January 21, 2008	ECP 00869
27.	Email January 25, 2008	ECP 00873
28.	Email February 6, 2008	ECP 00874
29.	Email February 18, 2008	ECP 00876

30.	Email February 26, 2008	ECP 00883
31.	Email April 8, 2008	ECP 00898
32.	Email April 14, 2008	ECP 00903
33.	Email May 1, 2008	ECP 00906
34.	Emerson Creek Look Book	ECP 00930 – ECP 00953
35.	U.S. Trademark Registration No. 4,835,568	ECP 01431
36.	Trademark Application Record	ECP 01461 – ECP 01471
37.	Trademark Application Record	ECP 01517 – ECP 01523
38.	Emerson Creek Pottery & Tearoom Cookbook	ECP 05836 – ECP 05839
39.	Emerson Creek Website	ECP 01884 – ECP 01892
40.	Emerson Creek Pottery shop photographs	ECP 01906 – ECP 01919
41.	Emerson Creek Pottery envelope and photographs	ECP 01922 – ECP 01923
42.	Wedding	ECP 02715
43.	Website October 17, 2009	ECP 02764
44.	Website October 17, 2009	ECP 02765
45.	Website May 11, 2012	ECP 02768
46.	Website March 1, 2017	ECP 02781
47.	“Lots More in Store for Emerson Creek Pottery & Tearoom”	ECP 02913 – ECP 02916
48.	Email March 1, 2017	ECP 03049
49.	Email May 17, 2012	ECP 03096
50.	Email May 1, 2012	ECP 03101
51.	Emails June 12, 2009	ECP 03106 – ECP 03107
52.	Email May 1, 2012	ECP 03109

53.	Email May 30, 2012	ECP 03131
54.	Email December 22, 2012	ECP 03150
55.	Email Website Issues	ECP 11693 – ECP 11702
56.	Email February 9, 2019	ECP 12686
57.	Email February 13, 2019	ECP 12734 – ECP 12735
58.	Goodrum Letter January 5, 2018	

Respectfully submitted,

LAUBSCHER & LAUBSCHER, PC

/leljr/

Lawrence E. Laubscher Jr.  
VSB No. 18680  
llaubscher@laubscherlaw.com  
1160 Spa Road, Suite 2B  
Annapolis, MD 21403  
(410) 280-6608 (Tel)  
(410) 280-6758 (Fax)

Law Offices of McLaughlin & Associates, P.C.

/ksmjrr/

Kenneth S. McLaughlin, Jr.  
IARDC No. 6229828  
1 E. Benton Street, Suite 301  
Aurora, IL 60505  
(630) 230-8434  
(630) 230-8435 fax  
kmclaughlin@ma-lawpc.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 25, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/leljr/  
Lawrence E. Laubscher, Jr.  
Attorney for Defendants